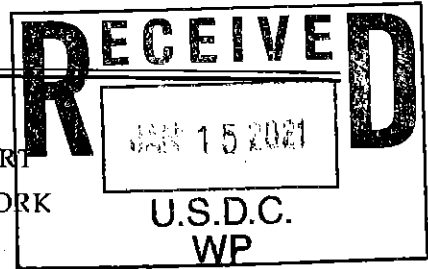


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



Guy Cozzi

Write the full name of each plaintiff.

____ CV ____
(Include case number if one has been assigned)

-against-

Workers' Compensation Board, et al.

(see attached Appendix #1 page 10 - List of Parties)

COMPLAINT

Do you want a jury trial?

☐ Yes ☒ No

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

- ☒ **Federal Question**
- ☒ **Diversity of Citizenship**

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

United States Constitution & United States Federal Laws.

Separation of Powers - Article 1 & Article 3.

Due Process - 5th & 14th Amendments. Equal Protection - 14th Amendment.

42 U.S.C. § 1983, U.S. Code § 706, 5 U.S.C.S. § 7703(c), (see attached Appendix #1 pages 17, 20)

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, Guy Cozzi, is a citizen of the State of
(Plaintiff's name)

Connecticut & New York

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

Dual citizenship for both USA and EU.

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, _____, is a citizen of the State of
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or
subject of the foreign state of

If the defendant is a corporation:

The defendant, Workers' Compensation Board, et al., is incorporated under the laws of
the State of New York, other states and countries

and has its principal place of business in the State of (see attached Appendix #1 page 10 - List of Parties)

or is incorporated under the laws of (foreign state) (see attached Appendix #1 page 10 - List of Parties)

and has its principal place of business in (see attached Appendix #1 page 10 - List of Parties)

If more than one defendant is named in the complaint, attach additional pages providing
information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional
pages if needed.

Guy		Cozzi
First Name	Middle Initial	Last Name
29 Valley Drive, # 4083		
Street Address		
Greenwich	Connecticut	06831
County, City	State	Zip Code
203-424-0811	nemmar@gmail.com	
Telephone Number	Email Address (if available)	

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:

First Name	Last Name	
Secretary of the Workers' Compensation Board		
Current Job Title (or other identifying information)		
328 State Street		
Current Work Address (or other address where defendant may be served)		
Schenectady	New York	12305
County, City	State	Zip Code

Defendant 2:

First Name	Last Name	
The Chubb Corporation (Chubb Insurance companies)		
Current Job Title (or other identifying information)		
(their attorney address is noted below: Fischer Brothers, Esqs.)		
Current Work Address (or other address where defendant may be served)		
County, City	State	Zip Code

Defendant 3:

First Name	Last Name	
American Stock Exchange		
Current Job Title (or other identifying information)		
(their attorney address is noted below: Fischer Brothers, Esqs.)		
Current Work Address (or other address where defendant may be served)		
County, City	State	Zip Code

Defendant 4: (This is the attorney for the defendants: Chubb Insurance and American Stock Exchange)

First Name	Last Name	
Fischer Brothers, Esqs.		
Current Job Title (or other identifying information)		
32 Broadway, Ste 1414		
Current Work Address (or other address where defendant may be served)		
New York	New York	10004
County, City	State	Zip Code

III. STATEMENT OF CLAIM

Place(s) of occurrence: World Trade Center 9-11 Ground Zero disaster area in downtown Manhattan

Date(s) of occurrence: In the months after the September 11, 2001 terrorist attacks

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

Details are in the attached 17 page written brief in addition to appendix documents.

There are very extensive details in the attached Appendix documents:

APPENDIX #1 - My Writ of Certiorari for the United States Supreme Court - docket

No. 19-6822 submitted on 11-29-2019.

APPENDIX H - My legal brief (without the Appendix) for the New York Supreme Court

Appellate Division Third Judicial Dept. - docket No. 526254 submitted on 08-29-2018.

APPENDIX I - My legal brief (without the Appendix) for the New York Court of Appeals -

docket No. 2019-584 submitted on 06-07-2019.

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.
Details are in the attached 17 page written brief in addition to appendix documents.
There are very extensive details in the attached Appendix documents:

APPENDIX I - My legal brief (without the Appendix) for the New York Court of Appeals - docket No. 2019-584 submitted on 06-07-2019.

State briefly what money damages or other relief you want the court to order.
Details are in the attached 17 page written brief in addition to appendix documents.
~~The New York State court rulings for this case should be reversed in the interest of
justice due to the violations of the US Constitution that were ignored in those decisions.~~

There are very extensive details in the attached Appendix documents.

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

January 15, 2021

/s/ Guy Cozzi

Dated

Plaintiff's Signature

Guy

Cozzi

First Name

Middle Initial

Last Name

29 Valley Drive, # 4083

Street Address

Greenwich

Connecticut

06831

County, City

State

Zip Code

203-424-0811

nemmar@gmail.com

Telephone Number

Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

Guy Cozzi - Federal Court Filing

January 15, 2021

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Summary

- Note: I am representing myself without an attorney or any legal assistance. I am not an attorney and I have never taken any law classes or legal training. For a non-lawyer like myself, trying to research and figure out the court procedures, laws and regulations is like trying to piece together an extremely complicated jigsaw puzzle without having a photo of what the completed puzzle looks like. Lawyers have the completed photo because they already know the rules of the game and how it all works. I don't. As a result, I apologize if this document does not perfectly conform to the requirements of the court. I also apologize if my lack of legal training, combined with my emotions, stress, and health problems cause me to write anything that a judge would consider inappropriate for a court document.

In the months following the September 11, 2001 terrorist attacks, I was involved in some cleanup and recovery work as both an employee and volunteer. In 2001 the office building I worked in was located less than 100 yards away, and in direct line of sight, to the former World Trade Center (WTC). When the Twin Towers collapsed on 9-11, many windows were broken from flying debris and those rooms got covered with toxic dust and debris.

I returned to my work office building days after September 11, 2001 and I spent 6-8 hours helping with the cleanup work. I cleaned up a lot of toxic dust and debris for several days. My cleanup work took place in an office building located next to "Ground Zero" and inside the area defined as the "World Trade Center Site" by the Article 8-A law. In addition, I volunteered often to bring drinks and snacks to workers at Ground Zero. I am currently a patient of the World Trade Center Health Program because I have qualifying health conditions due to my exposure to toxic dust, debris and aftermath effects of 9-11.

This qualifies me as a World Trade Center Site cleanup/recovery worker/volunteer under the Article 8-A law passed by the New York Legislature. The facts presented in my written appeal briefs submitted to the New York Supreme Court and New York Court of Appeals, show that the Workers' Compensation Board court rulings denying my Article 8-A claim, and then denying my RB-89 request for a rehearing, **were unconstitutional, arbitrary, capricious and an abuse of discretion.** Those decisions should be reversed in the

interest of justice to uphold the United States Constitution, the text of the Article 8-A statute, and the intent of the Legislature.

The New York courts ignored all the Constitutional issues I raised in my briefs. I cited 43 court cases in the Table of Authorities of my Writ of Certiorari and 10 are SCOTUS cases. **The New York court rulings conflict with all 43 of those court precedent cases.** Please read the Appendix appeal briefs I submitted, and then read the court rulings for each appeal. In my opinion, the **New York courts *ignored* the clear violations of the Constitution** that I raised in all of my written briefs. For example, the 09-10-2019 New York Court of Appeals ruling has only two sentences with no explanation of how they reached their decision. [Appendix C] Moreover, their ruling contradicts their precedent 1994 decision if you apply it to Article 8-A cases. [Appendix #1 pg 23, 31, 41, 52]

As a result, the New York court rulings in this case do not address the violations of the Constitution for Separation of Powers, Due Process and Equal Protection. Therefore, those prior court rulings do not meet the standard of “intelligent and meaningful judicial review” because the violations of the US Constitution were never addressed nor mentioned in those court decisions. The “intelligent and meaningful judicial review” standard for New York Appellate court decisions is cited in many New York Workers’ Compensation cases.

Perez v. Mortg. Bankers Ass’n, 135 S. Ct. 1199 (2015) SCOTUS Court

- **US Supreme Court Justice Thomas, concurring in the decision:**
 - “But we have not consistently exercised the judicial check with respect to administrative agencies. Even though regulated parties have repeatedly challenged agency interpretations as inconsistent with existing regulations, we have just as repeatedly declined to exercise independent judgment as to those claims. Instead, we have deferred to the executive agency that both promulgated the regulations and enforced them. Although an agency’s interpretation of a regulation might be the best interpretation, it also might not. **When courts refuse even to decide what the best interpretation is under the law, they abandon the judicial check. That abandonment permits precisely the accumulation of governmental powers that the Framers warned against.** See The Federalist No. 47, at 302 (J. Madison).”

- The Judicial Branch is separate from the political branches for a reason: It has the obligation to apply the law to cases and controversies that come before it, and concerns about the popular esteem of individual judges - or even the Judiciary as a whole - have no place in that analysis. **Our system of Government could not long survive absent adherence to the written Constitution that formed it."**

The following reference is cited often in NY Workers' Compensation Article 8-A court rulings. This citation makes it clear that the **New York Legislature intended the Article 8-A legislation to be liberally construed by the courts.**

Matter of Williams v. City of New York, 2009 NY Slip Op 07556 [66 AD3d 1203]:

- "Workers' Compensation Law article 8-A was enacted "to remove statutory obstacles to timely claims filing and notice for latent conditions resulting from hazardous exposure for those who worked in rescue, recovery or cleanup operations following the World Trade Center September 11th, 2001 attack" (*Senate Mem in Support, 2006 McKinney's Session Laws of NY, at 1915; see Minkowitz, Practice Commentaries, McKinney's Cons Laws of NY, Book 64, Workers' Compensation Law, art 8-A, at 488*). **It is undisputed that this legislation was intended to be liberally construed to provide a potential avenue of relief for workers and volunteers suffering ill health as a result of their efforts in the aftermath of the terrorists' attacks. The liberal intent of the statute is reflected by the fact that the Legislature has amended the law twice to extend the deadline for claimants to file for coverage (see L 2008, ch 489, § 18; L 2007, ch 199, § 1; see generally *Matter of Smith v Tompkins County Courthouse, 60 NY2d 939, 941 [1983] [stating the general rule that the Workers' Compensation Law is to be liberally construed]*).**"

Update since that 2009 ruling in Williams v. City of New York:

The Article 8-A law has been amended and extended about **six times** since it was first enacted by the New York Legislature. Moreover, the liberal intent of the statute is reflected by the fact that **all six times the Legislature has extended the deadline, they have also made the law broader with a more liberal intent to cover more injured workers and volunteers.** [Appendix #1 pg 25-28] [Appendix H pg 17-21]

Questions Presented

The attached Appendices to this filing have all the important details for this case over the past 7 years. Please review those Appendix documents for additional details, such as:

Appendix #1 - No. 19-6822 SCOTUS Writ of Certiorari

- *Questions Presented* [Appendix #1 pg 8-9]
- *Related Cases* [Appendix #1 pg 11-12]
- *Statement of the Case* [Appendix #1 pg 21-24]
- *Reasons for Granting the Petition* [Appendix #1 pg 25-54]

Index to Appendices

List of Appendix documents included with this filing:

1. APPENDIX #1 - My Writ of Certiorari for the Supreme Court of the United States (SCOTUS) - docket No. 19-6822 submitted on 11-29-2019.
2. APPENDIX #2 - No. 19-6822 SCOTUS denied petition letter. 01-27-2020.
3. APPENDIX A - No. 526254. New York Supreme Court Appellate Division Third Judicial Dept. 05-16-2019.
4. APPENDIX B - No. G110 9023. Workers' Compensation Board. 01-19-2018.
5. APPENDIX C - No. 2019-584. New York Court of Appeals. 09-10-2019.
6. APPENDIX D - No. 2017-783. New York Court of Appeals. 10-19-2017.
7. APPENDIX E - No. 523341. New York Supreme Court Appellate Division Third Judicial Dept.. 06-15-2017.
8. APPENDIX F - No. 523341. New York Supreme Court Appellate Division Third Judicial Dept.. 03-30-2017.

9. APPENDIX G 1-5

- i. No. G110 9023. Workers' Compensation Board. 05-12-2016.
- ii. No. G110 9023. Workers' Compensation Board. 02-05-2016.
- iii. No. G110 9023. Workers' Compensation Board. 09-29-2015.
- iv. No. G110 9023. Workers' Compensation Board. 03-10-2015.
- v. No. G110 9023. Workers' Compensation Board. 12-16-2014.

10. APPENDIX H - My legal brief (without Appendix) for NY Supreme Court Appellate Division Third Judicial Dept. - docket No. 526254 submitted on 08-29-2018.

11. APPENDIX I - My legal brief (without the Appendix) for New York Court of Appeals - docket No. 2019-584 submitted on 06-07-2019.

12. APPENDIX J 1-4

- i. Workers' Compensation Board form: RB-89 (09-16).
- ii. Workers' Compensation Board form: WTC-12 (11-13).
- iii. Workers' Compensation Board form: C-3 (1-11).
- iv. Workers' Compensation Board form: WTCvol-3 (03-17).

13. APPENDIX K - Relevant pages of the NY WCB Centennial Booklet.

14. APPENDIX L - NY Daily News interview of ASPCA worker 9-11 WCB claim.

15. APPENDIX M - 2017-2018 emails about RB-89 rehearing and WTCvol-3 form.

Table of Authorities Cited

The New York State court rulings for this case conflict with all 43 of the following cases cited in my SCOTUS Writ of Certiorari. They are listed in alphabetical order. The page references cited for each case refer to the page numbers in my Writ of Certiorari.

United States Supreme Court (SCOTUS) cases

1. Auer v. Robbins, 519 U.S. 452 (1997) **SCOTUS Court** - pg 47
2. Bountiful Brick Co. v. Giles, 276 U.S. 154 (1928) **SCOTUS Court** - pg 51
3. Chevron U.S.A., Inc. v. NRDC, 467 U.S. 837 (1984) **SCOTUS Court** - pg 47
4. Christensen v. Harris County, 529 U.S. 576 (2000) **SCOTUS Court** - pg 49
5. Cudahy Packing Co. v. Parramore, 263 U.S. 418 (1923) **SCOTUS Court** - pg 50-51
6. Erie R. Co. v. Winfield, 244 U.S. 170 (1917) **SCOTUS Court** - pg 51
7. Heckler v. Day, 467 U.S. 104 (1984) **SCOTUS Court** - pg 48
8. Perez v. Mortg. Bankers Ass'n, 135 S. Ct. 1199 (2015) **SCOTUS Court** - pg 49
9. Pittston Coal Group v. Sebben, 488 U.S. 105 (1988) **SCOTUS Court** - pg 49
10. Skidmore v. Swift & Co., 323 U.S. 134 (1944) **SCOTUS Court** - pg 47

Federal Court cases

1. Holloway v. Merit Sys. Protection Bd., US App. LEXIS 10591 (1995) **Federal Court** - pg 47
2. Jones v. MSPB, 256 Fed. Appx. 353 (2007) **Federal Court** - pg 48
3. Rosler v. Derwinski, 1 Vet. App. 241 (1991) **Federal Court** - pg 48

New York State Court cases

1. Alonzo v. NYC Dept. of Probation, 72 N.Y.2d 662 (1988) - pg 35
2. Bender v. Jamaica Hospital, 40 NY 2d 560 (1976) - pg 37
3. Caldas v. 86 Alda Restaurant and WCB, NYSC 167 A.D.2d 594 (1990) - pg 24
4. Capital IQ, 2012 NY Wrk Comp LEXIS 3749, WCB #00345281 - pg 34
5. Con Edison, 2008 NY Wrk Comp LEXIS 1247, WCB #00633043 - pg 34

6. Cucci v. Rexers Tang Soo Do Karate Aca., NYSC 34 A.D.3d 887 (2006) - pg 24
7. Dinelle v. Workshop Inc and WCB, NYSC 181 A.D.2d 969 (1992) - pg 24
8. Doctors Council v. NYCERS, 71 N.Y.2d 669 (1988) - pg 36
9. Dynamex Ins, 2013 NY Wrk Comp LEXIS 11957, WCB #00109840 - pg 34
10. Employer: EH&S Pro Staffing, G120 4942, 2016 WL 2607570 NY WCB - pg 29
11. Employer: NY State Police, G099 9174, 2015 WL 4549347 - pg 29
12. Employer: WTC Volunteer, AA05 0013, 2016 WL 5866243 NY WCB - pg 29
13. Field Delivery Service v. Lillian Roberts, Dept of Labor, NYCA 66 N.Y.2d 516 (1985)
- pg 45
14. Goldberg v. 954 Marcy Corporation, 276 NY 313 (1938) - pg 41,42,44
15. Hazan v. WTC Volunteer Fund, NYSC AD3d, 517129 (2014) - pg 37,39
16. Johannesen v. City of New York Dept. of HPD, 84 N.Y.2d 129 (1994) - pg 23,31,41,52
17. Masse v. Robinson Co, 301 N.Y. 34 (1950) - pg 40
18. Merrill Lynch, 2012 NY Wrk. Comp. LEXIS 3861, WCB #0202479 - pg 34
19. Middleton v. Coxsackie Fac, 38 N.Y.2d 130 (1975) - pg 40
20. NYC Housing Preservation, 2012 NY Wrk Comp LEXIS 1712, WCB #00751273 - pg
34
21. NYC Transit Authority, 2009 NY Wrk Comp LEXIS 5438, WCB #00802941 - pg 34
22. PBA v. City of New York, 41 NY 2d 205 (1976) - pg 36
23. Richard Rosenblatt, 2012 NY Wrk Comp LEXIS 3490 WCB #00725502 - pg 34
24. Rodgers v. NYC Fire Department, NYSC AD3d, 508278 (2011) - pg 35
25. Royal & Sun Alliance Insurance, 2008 NY Wkr Comp LEXIS 3532 - pg 34
26. Schreckinger v. York Distributors, Inc., NYSC 9 A.D.2d 333 (1959) - pg 25,26,30,31
27. Tompkins v. Morgan Stanley Dean Witter, 1 AD3d 695 (2003) - pg 44,50-51
28. Verizon, 2008 NY Wrk Comp LEXIS 7135, WCB #00711321 - pg 34
29. Williams v. City of New York, 2009 NY Slip Op 07556 [66 AD3d 1203] - pg 24,38
30. Williams v. City of New York, 89 AD3d 1182 [2011], lv denied 18 NY3d 807 [2012]
Regan, 124 AD3d 994 [2015] - pg 34

Constitutional & Statutory Provisions Involved

United States Constitution

- Separation of Powers
 - Article 1 - The Legislative branch
 - Article 3 - The Judicial branch
- Due Process
 - 5th Amendment and 14th Amendment
- Equal Protection
 - 14th Amendment

United States Federal Laws

- 42 U.S.C. § 1983. Civil Rights claims for deprivation of rights and property rights without due process - <https://www.law.cornell.edu/uscode/text/42/1983>
- 28 U.S. Code § 1361 - <https://www.law.cornell.edu/uscode/text/28/1361>
- U.S. Code § 706. Scope of Review - www.law.cornell.edu/uscode/text/5/706
- 5 U.S.C.S. § 7703(c) - www.law.cornell.edu/uscode/text/5/7703
- Constitutional-Fact Doctrine Law - <https://definitions.uslegal.com/c/constitutional-fact-doctrine/>

New York State Constitution - www.dos.ny.gov/info/constitution.htm

- Article I Section 18 - [Workers' compensation] §18. Nothing contained in this constitution shall be construed to limit the power of the Legislature to enact laws for the protection of the lives, health, or safety of employees;
- Article III Section 1 - The Legislative power of this state shall be vested in the senate and assembly.

New York State Laws

- Article 78: N.Y. C.P.L.R. § 7801 - <https://law.justia.com/codes/new-york/2012/cvp/article-78/>
- New York CPLR 5501(a)(i)(ii)(iii) and CPLR 5602(a)(1)(i) - <https://nycourts.gov/ctapps/forms/civiloutline.pdf>
- 12 NYCRR 300.13 and 12 NYCRR 300.14 and RB-89 form for rehearings - www.wcb.ny.gov/content/main/SubjectNos/sn046_940.jsp
- New York Workers' Compensation Law (WCL) - www.nysenate.gov/legislation/laws/WKC
 - WCL Article 8-A - www.nysenate.gov/legislation/laws/WKC/A8-A
 - WCL § 123 - www.nysenate.gov/legislation/laws/WKC/123
 - WCL § 165 - www.nysenate.gov/legislation/laws/WKC/165
 - WCL § 164 - www.nysenate.gov/legislation/laws/WKC/164
 - WCL § 162 - www.nysenate.gov/legislation/laws/WKC/162
 - WCL § 161 - www.nysenate.gov/legislation/laws/WKC/161
 - WCL § 141 - www.nysenate.gov/legislation/laws/WKC/141

My SCOTUS Writ of Certiorari

The US Supreme Court guidebook for Writs of Certiorari states:

- “It is important to note that review in this Court by means of a writ of certiorari is not a matter of right, but of judicial discretion. The primary concern of the Supreme Court is not to correct errors in lower court decisions, but to decide cases presenting issues of importance beyond the particular facts and parties involved. The Court grants and hears argument in only about 1% of the cases that are filed each Term. The vast majority of petitions are simply denied by the Court without comment or explanation. **The denial of a petition for a writ of certiorari signifies only that the Court has chosen not to accept the case for review and does not express the Court’s view of the merits of the case.**”

As I stated earlier, I am not an attorney and have no legal training. I did all the legal work and research on my own to figure out how to fight for justice in the court system. This was my first time doing this so I had to learn everything as I went along. My goal was to help all injured workers and volunteers who have 9-11 related medical illnesses due to the toxic dust and debris at the World Trade Center site and Ground Zero.

I was litigating all alone against the New York State Workers’ Compensation Board combined with Chubb Insurance, which is the largest publicly traded insurance company in the world. In my opinion, the Constitutional issues I raised in the court appeals I wrote are crystal-clear based upon the law and the Constitution. That is why my appeal brief made it to the final hurdle of the Supreme Court of the USA (SCOTUS) and was **“Distributed for Conference of 1/24/2020”**. You don't get that far unless the court clerks and one or more US Supreme Court Justices think the case has merit and needs to be reviewed in conference by all nine Justices of the Court.

I repeat again what I stated earlier because it might explain why my appeal brief made it to the final hurdle of SCOTUS and was “Distributed for Conference”: I cited 43 court cases in the Table of Authorities of my Writ of Certiorari and 10 are SCOTUS cases. The New

York court rulings conflict with all 43 of those court precedent cases.

Unfortunately, the US Supreme Court only accepts less than 1% of the cases submitted for appeal to that court. This case dealt mainly with Constitutional issues related to NY Workers' Compensation court rulings centered around New York City and Ground Zero. As a result, my appeal Petition for a Writ of Certiorari was denied on January 27, 2020.

<https://nemmar.page.link/411>

Statute of Limitations

The statute of limitations has not expired for the items noted in the "*Constitutional & Statutory Provisions Involved*" section of this document. Based on the Abstention Doctrine, I had to first exhaust all my options in State court before I was able to bring an action in Federal court. The final State court ruling was No. 2019-584 New York Court of Appeals dated 09-10-2019. The next court ruling was No. 19-6822 SCOTUS Writ of Certiorari petition was denied on 01-27-2020.

- Abstention Doctrine <https://www.law.cornell.edu/wex/abstention>

In addition to the items noted in the "*Constitutional & Statutory Provisions Involved*" section above, here is another example from my SCOTUS Writ of Certiorari:

The NY Workers' Compensation Board (WCB) and their Office of General Counsel (OGC) **violated my Equal Protection and Due Process rights by refusing to process and give judicial review** for my Article 8-A WTCvol-3 form for my *Volunteer Recovery* work. [Appendix J 4] That is a separate claim from my Article 8-A WTC-12 and C-3 forms for my *Employee Cleanup* work. [Appendix J 2 & J 3]

This WCB and OGC refusal to process and give any judicial review is confirmed by their July 2018 email. [Appendix M pg 7-11] Yet, the facts of me being an Article 8-A *Volunteer recovery worker* were never included in my original C-3 and WTC-12 forms of September

2014. Therefore, it is an indisputable fact that my WTCvol-3 claim form as a volunteer never received any judicial review. The only claim that the WCB ruled on was the *employee cleanup* worker claim. The Article 8-A *Volunteer* claim and forms were never ruled on by the WCB. They are two completely separate insurance claims for *different accidents/injuries at different times and at different locations*:

1. **Employee** claim was for medical health injuries I sustained from breathing toxic 9-11 dust and debris while doing **cleanup** work as an **employee** inside an office building next to Ground Zero.
 2. **Volunteer** claim was for medical health injuries I sustained from breathing toxic 9-11 dust and debris while doing **recovery** work as a **volunteer** at Ground Zero.
- [Appendix #1 pg 30,47] [Appendix H pg 11-16] [Appendix M pg 7-11] [Appendix J-4 pg 18-20]

I think I have two remedies for this specific violation of law and my Constitutional rights by the WCB and OGC. The Federal statute to remedy this violation is 28 U.S. Code § 1361. That gives district courts' original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff. The New York State statute to remedy this violation is Article 78: N.Y. C.P.L.R. § 7801.

- 28 U.S. Code § 1361 <https://www.law.cornell.edu/uscode/text/28/1361>
- Article 78: N.Y. C.P.L.R. § 7801
<https://law.justia.com/codes/new-york/2012/cvp/article-78/>

Based upon the law for an Article 78 proceeding, the statute of limitations has not yet begun to run. **The statute of limitations does not begin to run until you receive final notice from the highest possible administrative authority.** Due to the WCB and OGC refusing to even begin processing my WTCvol-3 claim form, they **prevented me from receiving final notice** from the highest possible administrative authority. To add insult to injury, they prevented me from receiving final notice from **any** possible administrative authority! By refusing to process the form, they prevented any judicial review for this specific volunteer claim. Therefore, by law, this statute of limitations has not even begun to run.

I found the following information online that is relevant to this:

- An Article 78 proceeding is a type of action you bring when a New York State official or administrative body has failed to do something that is required by law. This action is called a “mandamus to compel”. When you bring this type of action, you are asking the court to order an official to do something that is his/her duty to do. The duty to be performed (i.e. process my WTCvol-3 claim form) is required by the law and is not “discretionary”. This type of Article 78 proceeding is very important because it can force officials to follow the regulations that protect your rights.
 - An Article 78 petition must be filed with the court within four months of the date that the administrative determination that you want to challenge becomes final. N.Y. C.P.L.R. 217(1) (McKinney 1990 & Supp. 2013). The statute of limitations will **not** begin to run until you receive final notice from the **highest possible administrative authority**.
-

I have been waiting a year for the Covid-19 coronavirus pandemic to end so that I could use the local law school library to do research for this filing. Unfortunately, the Covid-19 pandemic has still not ended and the law library remains closed. Moreover, I take care of my mother who is 87 years old and has health problems and needed medical surgery this year. This is in addition to my own health problems and medical surgery I had this year. As a result, I am only including a few legal citations/arguments in this filing now because I have not been able to do any more legal research during the pandemic. I needed to file this case now in Federal court, prior to one year from the date of the decision by the US Supreme Court. If I am allowed, I will later add significantly more legal citations and arguments to support why the Federal court should hear this case. For now, I am hoping that the enclosed Appendices #1 and A-M, are sufficient to show the Federal court that they should hear this case.

Jurisdiction

I have exhausted all my options in New York State court. The only option available now is Federal court. The US District Court rules state that generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties.

1. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case.
2. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case.

During the time period of the dates referenced in the court documents, I meet the criteria of **both** 28 U.S.C. § 1331 and 28 U.S.C. § 1332:

- I have dual citizenship with both USA and EU Passports.
- I have resided in both New York and Connecticut for years.
- I had a Connecticut driver's license and address for 40 years.
- I have paid taxes out of my paychecks in both New York and Connecticut.
- I use Connecticut as my residence address for paying taxes and filing tax returns.

Conclusion

The United State Constitution is the *key that opens the door* that has been *hidden and shut* for 20 years. That door has blocked many 9-11 injured workers and volunteers from getting the help they need and rightly deserve from the Article 8-A law. The US Constitution *requires* that the door must be unhidden and unlocked for all injured 9-11 rescue, recovery, cleanup workers and volunteers.

This case isn't about *me*. It's about all the injured workers that were denied justice over the past 20 years, and those that will be denied justice in the future, due to the WCB unconstitutional "Ground Zero" and "authorized entity or agency" restrictions, and the conflicts between the Article 8-A law and WCL § 123. God only knows how many injured workers have been denied justice over the past 20 years, either by being denied in WCB rulings or by not filing claims at all due to the WCB's unconstitutional restrictions added to their Article 8-A court decisions.

Question: Why would the WCB add "Ground Zero" and "Authorized entity/agency" restrictions that violate the Constitution?

Answer: The New York Court of Appeals explained it well in a 1994 ruling: *Matter of Johannesen v. City of New York Dept. of HPD*, 84 N.Y.2d 129 (1994), (also cited in *WCB Centennial Book [Appendix K]*):

- "Finally, in a policy-based argument, ~~appellant~~ [defendant] suggests that recovery here will open floodgates and make every allergic reaction, common cold or ordinary ailment compensable. **This argument is often advanced when precedent and analysis are unpersuasive.**"

Government agencies cannot be allowed to use "*Fruit of the Poisonous Tree*". If government agencies are allowed to use prior decisions to deny rehearing requests, then appellants must be allowed to use that same evidence from prior decisions to defend

themselves in appellate courts. **Denying appellants that right would be equivalent to giving government agencies both a sword and a shield to use against people who have no way to defend themselves.** This is especially egregious if appellants have raised constitutional issues in prior hearings. If you give the government a sword and a shield to use against someone in court, then it is *required* by the US Constitution to give that same sword and shield to that person so they can defend themselves in court.

If the roots of the tree [2014-2016 WCB decisions] ...

are poisonous [violate the Constitution] ...

then all the tree branches and fruit [WCB RB-89 denial decision which

was based on all those prior WCB decisions] ...

are poisonous [violate the Constitution].

Injured workers and volunteers with serious health conditions have been suffering for decades, and they will continue to suffer until these constitutional issues are corrected. These Constitutional issues in Workers' Compensation court rulings and rehearings need to be corrected in the interest of justice.

The nationwide importance of this case is relevant to the following news articles:

- **The Never Forget The Heroes: James Zadroga, Ray Pfeifer, And Luis Alvarez Permanent Authorization Of The September 11th Victim Compensation Fund**
 - www.vcf.gov/permanentauthorization.html
- **U.S. Lawmakers Call for More Oversight of Workers' Compensation**

"In response to a ProPublica and NPR investigation, members of Congress are urging the labor secretary to come up with a plan to protect injured workers and taxpayers. Ten prominent Democratic lawmakers, including presidential candidate Sen. Bernie Sanders, are urging the U.S. Secretary of Labor to come up with a plan to ensure that state workers' compensation programs are properly caring for injured workers. The lawmakers' letter, sent Tuesday, was prompted by an investigation by ProPublica and NPR, which found that more than 30 states have cut benefits to injured workers, created daunting hurdles to getting medical care or made it more difficult for workers with certain injuries and illnesses to qualify."

 - www.propublica.org/article/lawmakers-call-for-more-oversight-of-workers-comp

- **Letter from Federal Lawmakers to Labor Department on Workers' Compensation - October 20, 2015**

"Over the past decade since DOL reporting ended, the erosion of workers' protections has snowballed as states reduced workers' compensation. ... The race to the bottom now appears to be nearly bottomless,... State workers' compensation laws are no longer providing adequate levels of support and compensation for workers injured on the job; instead, costs are increasingly being shifted to the American taxpayers to foot the bill. ... The changes to workers' compensation over the last decade have been pushed by big businesses and insurance companies ... As a result of these "reforms," many of those employees most in need of assistance have had their benefits reduced to a small fraction of their pre-injury income and far too frequently are forced out of the middle class and into poverty. ... The magnitude of the cost shift to taxpayers from employers coupled with a race to the bottom in substandard benefits should not be ignored any longer;"

- www.propublica.org/documents/item/2465674-letter-from-federal-lawmakers-to-labor-on.html

- **The Demolition of Workers' Compensation**

Over the past decade, states have slashed workers' compensation benefits, denying injured workers help when they need it most and shifting the costs of workplace accidents to taxpayers.

- www.propublica.org/article/the-demolition-of-workers-compensation

Epilogue

Why am I still fighting this battle for more than 7 years? This case isn't about *me*. My objective is solely for charitable reasons. I am **not** trying to enrich myself financially. My goal in life is to volunteer and use any money I earn to try and make the world a better place for people and animals. I just want to do volunteer charity work

<https://nemmar.page.link/440>

Respectfully submitted to the Federal court,

/s/ Guy Cozzi

Date: January 15, 2021

Motion for Leave to Proceed In Forma Pauperis

IFP submitted with my Writ of Certiorari on 11-29-2019 to the
United States Supreme Court - docket No. 19-6822

No. **19-6822**

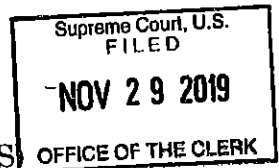
IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

___ Guy Cozzi ___ PETITIONER
(Your Name)

VS.

___ Workers' Compensation Board, et al. ___ RESPONDENT(S)



MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):
___ New York Court of Appeals and the New York Supreme Court Appellate Division ___


☐ ~~Petitioner has not previously been granted leave to proceed in forma pauperis in any other court.~~

☒ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ ~~Petitioner's affidavit or declaration is not attached because the court below appointed counsel in the current proceeding, and:~~

☐ ~~The appointment was made under the following provision of law: _____, or~~

☐ ~~a copy of the order of appointment is appended.~~


(Signature)

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Guy Cozzi, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ 1,000 _	\$ N/A _	\$ 1,000 _	\$ N/A _
Self-employment	\$ 0 _	\$ N/A _	\$ 0 _	\$ N/A _
Income from real property (such as rental income)	\$ 0 _	\$ N/A _	\$ 0 _	\$ N/A _
Interest and dividends	\$ 0 _	\$ N/A _	\$ 0 _	\$ N/A _
Gifts	\$ 0 _	\$ N/A _	\$ 0 _	\$ N/A _
Alimony	\$ 0 _	\$ N/A _	\$ 0 _	\$ N/A _
Child Support	\$ 0 _	\$ N/A _	\$ 0 _	\$ N/A _
Retirement (such as social security, pensions, annuities, insurance)	\$ 0 _	\$ N/A _	\$ 0 _	\$ N/A _
Disability (such as social security, insurance payments)	\$ 0 _	\$ N/A _	\$ 0 _	\$ N/A _
Unemployment payments	\$ 0 _	\$ N/A _	\$ 0 _	\$ N/A _
Public assistance (such as welfare)	\$ 0 _	\$ N/A _	\$ 0 _	\$ N/A _
Other (specify) Websites	\$ 25 _	\$ N/A _	\$ 25 _	\$ N/A _
Total monthly income:	\$ 1,025.00 _	\$ N/A _	\$ 1,025.00 _	\$ N/A _

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Date of Employment	Gross monthly pay
_ Home Depot _	_ New York _	_ 03/15/2019 _	\$_ 600 _
_ Education De._	_ New York _	_ 05/01/2019 _	\$_ 400 _
_____	_____	_____	\$_____

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Date of Employment	Gross monthly pay
_ N/A _	_ N/A _	_ N/A _	\$_ N/A _
_____	_____	_____	\$_____
_____	_____	_____	\$_____

4. How much cash do you and your spouse have? \$_ 150.00 _____
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
_ Checking _	\$_ 100.00 _	\$_ N/A _
_ Savings _	\$_ 100.00 _	\$_ N/A _
_____	\$_____	\$_____

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☐ Home
Value _ N/A _

☐ Other real estate
Value _ N/A _

☐ Motor Vehicle #1
Value _ N/A _

☐ Motor Vehicle #2
Value _ N/A _

☐ Other assets
Description _ N/A _
Value _ N/A _

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed your spouse
N/A	\$ N/A	\$ N/A
	\$	\$
	\$	\$

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
Marie Cozzi	Mother	86 years old
I help my elderly mother who has medical health problems. I assist her at her home by cooking her meals, food shopping, cleaning the home, going to doctor appointments, etc..		

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ 0	\$ N/A
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No - N/A		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No - N/A		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 0	\$ N/A
Home maintenance (repairs and upkeep)	\$ 0	\$ N/A
Food	\$ 300	\$ N/A
Clothing	\$ 50	\$ N/A
Laundry and dry-cleaning	\$ 75	\$ N/A
Medical and dental expenses	\$ 250	\$ N/A

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 100 ____	\$ N/A ____
Recreation, entertainment, newspapers, magazines, etc.	\$ 0 ____	\$ N/A ____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0 ____	\$ N/A ____
Life	\$ 0 ____	\$ N/A ____
Health	\$ 0 ____	\$ N/A ____
Motor Vehicle	\$ 0 ____	\$ N/A ____
Other: ____ N/A ____	\$ 0 ____	\$ N/A ____
Taxes (not deducted from wages or included in mortgage payments)		
(specify)	\$ 0 ____	\$ N/A ____
Installment payments		
Motor Vehicle	\$ 0 ____	\$ N/A ____
Credit card(s)	\$ 0 ____	\$ N/A ____
Department store(s)	\$ 0 ____	\$ N/A ____
Other: ____ N/A ____	\$ 0 ____	\$ N/A ____
Alimony, maintenance, and support paid to others	\$ 0 ____	\$ N/A ____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0 ____	\$ N/A ____
Other (specify): _ Website hosting & software _	\$ 200 ____	\$ N/A ____
Total monthly expenses	\$ 975.00 ____	\$ N/A ____

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☒ No If yes, describe on an attached sheet.

10. Have you paid - or will you be paying - an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid - or will you be paying - anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much? _____


If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

This is explained in detail in my legal briefs that I wrote and submitted to the appeals courts for this case: New York Court of Appeals and the New York Supreme Court Appellate Division. Please read those documents in the Appendix of this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: ____ November 29 __, 2019 ____



(Signature)

Appendix # 2

The Writ of Certiorari petition denied decision on 01-27-2020 by the
United States Supreme Court - docket No. 19-6822

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

January 27, 2020

Mr. Guy Cozzi
29 Valley Drive, Box # 4083
Greenwich, CT 06831

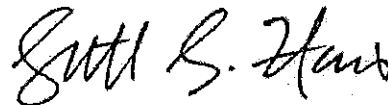
Re: Guy Cozzi
v. American Stock Exchange, et al.
No. 19-6822

Dear Mr. Cozzi:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

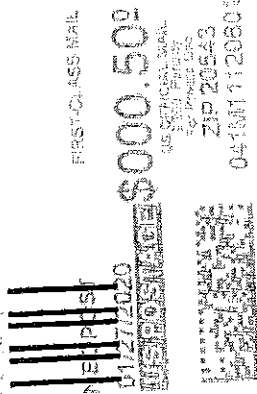
Sincerely,

A handwritten signature in black ink, appearing to read "Scott S. Harris", written in a cursive style.

Scott S. Harris, Clerk

OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES
WASHINGTON, DC 20543-0001

OFFICIAL BUSINESS
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